

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Oct 09, 2018

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRITTNEY LEE ZARGOZA (10);  
OMAR EDGAR HERRERA FARIAS  
(16); AND  
MIGUEL REYES GARCIA (21),

Defendants.

No. 4:15-CR-6049-EFS

**ORDER GRANTING MOTION &  
SUPPORTIVE MEMORANDUM  
FOR ORDER COMPELLING  
WASHINGTON STATE  
EMPLOYMENT SECURITY  
DIVISION TO APPEAR AND  
TESTIFY PURSUANT TO REV.  
CODE WASH. § 50.13.070**

**Clerk's Office Action Required**

Before the Court, without oral argument, is the Government's Motion to Compel Washington State Employment Security Division to Appear and Testify Pursuant to Rev. Code Wash. § 50.13.070, ECF No. 971. The Government asserts that in order for a records custodian to testify from the Washington State Employment Security Division (ESD) as to Defendant Brittney Lee Zargoza's records, the Government must first obtain a court order pursuant to Revised Code of Washington § 50.13.070. *Id.* The Government also states that they have already subpoenaed Patti Trevino, a records custodian with ESD. *Id.*

1 Revised Code of Washington states that ESD records are statutorily labeled  
2 “private and confidential” and that:

3 Information or records deemed private and confidential under this chapter  
4 shall be available to parties to judicial or formal administrative proceedings  
5 only upon a finding by the presiding officer that the need for the information  
6 or records in the proceeding outweighs any reasons for the privacy and  
7 confidentiality of the information or records. . . . A judicial or administrative  
8 subpoena directed to the employment security department must contain this  
9 finding.

10 In this case, the ESD records will evidence to the jury that Defendant did not  
11 have any reported income during the time-frame alleged in the conspiracy. The  
12 Court finds that the need for the information or records outweighs any reasons for  
13 the privacy and confidentiality of the information or records.

14 Accordingly, **IT IS HEREBY ORDERED:**

15 **1.** The Government’s Motion & Supportive Memorandum for Order  
16 Compelling Washington State Employment Security Division to  
17 Appear and Testify Pursuant to Rev. Code Wash § 50.13.070, **ECF**  
18 **No. 971**, is **GRANTED**.

19 **IT IS SO ORDERED.** The Clerk’s Office is directed to enter this Order and provide  
20 a copy to all counsel.

21 **DATED** this 9<sup>th</sup> day of October 2018.

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s/Edward F. Shea  
EDWARD F. SHEA  
Senior United States District Judge